

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-63 are pending in this application. For the reasons stated below, Applicant respectfully submits that all claims pending in this application are in condition for allowance.

In the Office Action mailed January 20, 2004, claims 1-63 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,031,896 to Gardell et al. ("Gardell") in view of U.S. Publication No. 2001/0036176 to Girard ("Girard"). To the extent this rejection might still be applied to claims presently pending in this application, it is respectfully traversed.

In the present Amendment, independent Claims 1, 13, 18, 28, 34, 38, 47, 52, 55 and 56 are amended. Paragraphs 17, 18, 22, 24, and 28 are amended to correct typographical errors.

A distinguishing feature of the present invention is a system and method for a subscriber to *remotely* monitor a call that is directed to a subscriber's telephone in a telephony network and rerouted to a voice messaging service (paragraph [0016]). An incoming call is forwarded to a packet telephony client, wherein the packet telephony client may, for example, be a computer that is located near the subscriber telephone or located at a remote distance from the subscriber telephone (paragraph [0018]). Thus, a subscriber can monitor at a remotely located packet telephony client a message that is directed to a subscriber phone located elsewhere.

Independent Claims 1, 13, 18, 28, 34, 38, 47, and 52 have been amended to recite additional features of the present invention. For example, Claim 1 as presently amended recites a method for a subscriber to monitor a message to the subscriber's telephone ("detecting a call

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directed toward a first telephony device associated with the subscriber”) and forwarded to a packet-switched device that is *separate* from the telephone (“wherein said packet-switched telephony client is associated with the subscriber, *and wherein the first telephony device is separate from the packet-switched telephony client*”).

Gardell teaches an internet telephony system and method wherein a subscriber possesses an internet telephony device wherein a voice mail message can be forwarded to the internet telephony device (see Abstract). Nowhere does Gardell teach or suggest a method or system for monitoring messages wherein a subscriber is located at a monitoring device separate from the telephone intended to receive the caller's call, (“said packet-switched telephony client is associated with the subscriber, and wherein the first telephony device is separate from the packet-switched telephony client”). On the contrary, Gardell teaches that the telephony device and the monitoring device used by the caller are the *same* device (see Column 4 lines 18-22).

Girard teaches a network system including a server, switch and gateway designed to replace the functions of traditional TDM networks for applications like voice and facsimile (paragraph [0007]). Girard does not teach or suggest a system for a subscriber to monitor an incoming message designed to be received by a telephony device, where the subscriber can monitor the message at a separate device. Moreover, whether taken singly or in combination, Gardell and Girard fail to teach or fairly suggest a method for a subscriber to monitor a caller's recording wherein the subscriber's monitoring device is located separately from a telephone intended to receive the caller's call.

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Independent Claims 13, 18, 28, 34, 38, 47, and 52 have been modified in a manner similar to Claim 1 to recite the feature of *wherein the first telephony device is separate from the packet-switched telephony client*. Accordingly, upon entry of the present Amendment, independent claims 1, 13, 18, 28, 34, 47, and 52 should be in condition for allowance. Dependent claims 55 and 56 have been amended to correct matters of form. Accordingly, at least for their dependence on allowable claims, all the remaining claims should also be in allowable condition.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

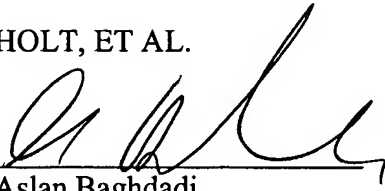
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